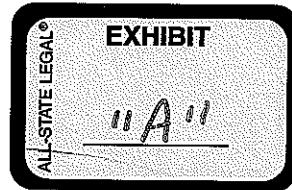


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS, )  
Plaintiff ) Case Number:  
v. ) 3:06-CV-0544-WHA  
PHENIX CITY, ALABAMA, )  
H.H. ROBERTS, named in his individual )  
and official capacities, )  
and )  
WALLACE HUNTER, named in his individual )  
and official capacities, )  
Defendants. )



**AFFIDAVIT OF GEORGE BENNETT**

Comes now George Bennett, after being duly sworn and says as follows:

My name is George Bennett. I am a Captain in the Phenix City Fire Department and was so employed in the year 2006. I was asked to read and I have read pages 67 through 69 of the deposition of David Davis dated April 5, 2007, which I understand has previously been cited to the Court, in the above styled case, wherein he testifies that I stated "man it looks like you need to call downtown and get this stopped" and "didn't you have to call downtown and do something on that probation before? . . . well, it looks like you need to do that again". I further understand that Brandon Sheets testified in his deposition (dated November 7, 2007 and also cited to the Court in the above style case), that I stated to David Davis that "I would call if I was you".

As I understand it, Mr. Davis is alleging that I encouraged him or told him that it would be a good idea for him to go around the chain of command

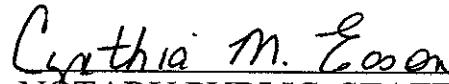
and make a complaint directly to the City Council or Mayor about a proposed extension of the probationary period for new hires in the fire department.

This is absolutely false. I never said the statements attributed to me above and I did not and would not instruct or encourage a subordinate not to follow the chain of command.

Further deponent saith not.

  
GEORGE BENNETT

Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2008.

  
Cynthia M. Eason  
NOTARY PUBLIC, STATE OF  
ALABAMA AT LARGE  
My Commission Expires: 3/24/09